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13 RAMESH “SUNNY” BALWANI

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 RAMESH “SUNNY” BALWANI,  
21 Defendant.

Case No. 18-CR-00258-EJD

**DEFENDANT RAMESH “SUNNY”  
BALWANI’S MOTION TO FILE AN  
OVERSIZED BRIEF SUPPORTING HIS  
MOTIONS IN LIMINE**

Judge: Honorable Edward J. Davila

1 Defendant Ramesh “Sunny” Balwani moves under Local Criminal Rule 2-1 and Local  
 2 Civil Rule 7-4(b) to enlarge the number of pages for briefing supporting his motions in limine.  
 3 Mr. Balwani was prepared to file separate motions in limine on each topic, each of which would  
 4 have been within the 25-page limit set by Local Civil Rule 7-2. On the morning that motions in  
 5 limine were due, Mr. Balwani’s counsel received direction from the Court to combine all motions  
 6 in limine into one document. Mr. Balwani has complied with the Court’s direction, which created  
 7 a longer filing of 76 pages, including all tables and captions.

8 Undersigned counsel conferred by email with counsel for the government. Assistant  
 9 United States Attorney Robert Leach responded that the government objects to the overlength  
 10 brief.

11 This is a highly complex case with considerably involved evidentiary issues. The trial of  
 12 Mr. Balwani’s co-defendant, Elizabeth Holmes, is ongoing after more than two and a half  
 13 months. Ms. Holmes was allowed to file nineteen motions in limine totaling over 180 pages of  
 14 memoranda not including supporting materials, with no apparent objection by the government.

15 And Mr. Balwani has the same right to file motions in his case as Ms. Holmes did.  
 16 Mr. Balwani is not bound by rulings in Ms. Holmes’ case. *See Askins v. U.S. Dep’t of Homeland*  
 17 *Sec.*, 899 F.3d 1035, 1042 (9th Cir. 2018) (law of the case “does not preclude a [trial] court from  
 18 reassessing its own legal rules in the same case”); *United States v. Guy*, 903 F.2d 1240 (9th Cir.  
 19 1990) (law of the case does not apply to rulings governing the severed trials of co-defendants).  
 20 “This is consistent with the principle that each party is accorded a full and fair opportunity to  
 21 litigate a particular issue.” *United States v. Brown*, 761 F.2d 1272, 1275–76 (9th Cir. 1985).

22 For these reasons, we ask that the Court grant this motion for enlargement of pages.  
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1 Dated: November 19, 2021

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

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4 *s/Jeffrey B. Coopersmith*

JEFFREY B. COOPERSMITH

5 Attorney for Defendant  
6 RAMESH “SUNNY” BALWANI  
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